M. ELIZABETH DAY (SBN 177125)
eday@feinday.com
DAVID ALBERTI (SBN 220265)
dalberti@feinday.com
MARC BELLOLI (SBN 244290)
mbelloli@feinday.com
FEINBERG DAY ALBERTI LIM &
BELLOLI LLP
1600 El Camino Real, Suite 280
Menlo Park, CA 94025
Tel: 650.618.4360
Fax: 650.618.4368

NI, WANG & MASSAND, PLLC
Hao Ni (pro hac vice pending)
hni@nilawfirm.com
8140 Walnut Hill Lane, Suite 500
Dallas, TX 75231
Telephone: (972) 331-4600
Facsimile: (972) 314-0900

Attorneys for Plaintiff
Hypermedia Navigation LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

HYPERMEDIA NAVIGATION LLC,
 	
               Plaintiff,
 	
   v.
 	
GOOGLE LLC,
 	
               Defendant.
	Case No. 3:18-cv-6137
	
	COMPLAINT FOR PATENT INFRINGEMENT
	
	DEMAND FOR JURY TRIAL

This is an action for patent infringement in which Hypermedia Navigation LLC ("Hypermedia") makes the following allegations against Google LLC ("Defendant"):

PARTIES

1. Hypermedia Navigation LLC is a Texas limited liability company with a principle place of business located at 17330 Preston Road, Suite 200D, Dallas, TX 75252.

2.   Google LLC is a corporation organized and existing under the laws of Delaware, with its principal place of business located at 1600 Amphitheatre Parkway Mountain View, CA 94043. Defendant may be served with process through its registered agent: Corporation Service Company, 2710 Gateway Oaks Dr., Ste. 150N, Sacramento, CA 95833.

JURISDICTION AND VENUE

3.   This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271(a)-(b), 281, and 284 - 85. This Court has subject matter jurisdiction over this action under 28 U.S.C. §1331 and §1338(a).

4.   Venue is proper in this district pursuant to 28 U.S.C. § 1400(b). Defendant has a regular place of business in this district at 1600 Amphitheatre Parkway Mountain View, CA 94043, and has committed acts of patent infringement in this district.

5.   Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the California Long Arm Statute, due at least to Defendant's substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in California and in this district.

THE ASSERTED PATENTS

6.   The Hypermedia Patents disclose the solution to a problem created by internet web navigation which lacked linear navigation for media elements such as television shows, movies, radio programs, concert viewings, which were increasingly unorganized with virtually unlimited number of choices, for example, searching for a content on the search term "President" in December 1998 on www.Yahoo.com would yield non-linear results.

7.   In 1998, one of the major search engines, Yahoo!'s search engine provided this simple categorical home page with no media content navigation.

8.   Search results through browsers were lists of links with no linear navigation for media elements such as videos, images, and/or audio files or websites, for example, a search result for president would look like this in 1999:

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9.   The Hypermedia patents solved this problem by creating a linear navigation resource program to navigate media elements by pulling multiple media elements from multiple hypermedia resources from multiple remote information nodes and provides them to the subscriber station through an interface which provides presentation of a media element and a linear navigation through a path of additional media elements.

10.   On June 3, 2008, United States Patent No. 7,383,323 (the "'323 patent") was duly and legally issued by the United States Patent and Trademark Office for an invention titled "System and Method for Creating and Navigating a Linear Hypermedia Resource Program." A true and correct copy of the '323 patent is attached hereto as Exhibit A.

11.   On June 3, 2008, United States Patent No. 7,383,324 (the "'324 patent") was duly and legally issued by the United States Patent and Trademark Office for an invention titled "System and Method for Creating and Navigating a Linear Hypermedia Resource Program." A true and correct copy of the '324 patent is attached hereto as Exhibit B.

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12.   On September 9, 2008, United States Patent No. 7,424,523 (the "'523 patent") was duly and legally issued by the United States Patent and Trademark Office for an invention titled "System and Method for Creating and Navigating a Linear Hypermedia Resource Program." A true and correct copy of the '523 patent is attached hereto as Exhibit C.

13.   On January 13, 2009, United States Patent No. 7,478,144 (the "'144 patent") was duly and legally issued by the United States Patent and Trademark Office for an invention titled "System and Method for Creating and Navigating a Linear Hypermedia Resource Program." A true and correct copy of the '144 patent is attached hereto as Exhibit D.

14.   On August 3, 2010, United States Patent No. 7,769,830 (the "'830 patent") was duly and legally issued by the United States Patent and Trademark Office for an invention titled "System and Method for Creating and Navigating a Linear Hypermedia Resource Program." A true and correct copy of the '830 patent is attached hereto as Exhibit E.

15.   On August 21, 2012, United States Patent No. 8,250,173 (the "'173 patent") was duly and legally issued by the United States Patent and Trademark Office for an invention titled "System and Method for Creating and Navigating a Linear Hypermedia Resource Program." A true and correct copy of the '173 patent is attached hereto as Exhibit F.

16.   On July 14, 2015, United States Patent No. 9,083,672 (the "'672 patent") was duly and legally issued by the United States Patent and Trademark Office for an invention titled "System and Method for Creating and Navigating a Linear Hypermedia Resource Program." A true and correct copy of the '672 patent is attached hereto as Exhibit G.

17.   On September 26, 2017, United States Patent No. 9,772,814 (the "'814 Patent") was duly and legally issued by the United States Patent and Trademark Office for an invention titled "System and Method for Creating and Navigating a Linear Hypermedia Resource Program." A true and correct copy of the '814 patent is attached hereto as Exhibit H.

18.   On January 9, 2018, United States Patent No. 9,864,575 (the "'575 Patent") was duly and legally issued by the United States Patent and Trademark Office for an invention titled "System

and Method for Creating and Navigating a Linear Hypermedia Resource Program." A true and correct copy of the '575 patent is attached hereto as Exhibit I.

19.   On August 17, 2004, United States Patent No. 6,779,026 (the "'026 Patent") was duly and legally issued by the United States Patent and Trademark Office for an invention titled "System and Method for Creating and Navigating a Linear Hypermedia Resource Program." A true and correct copy of the '575 Patent is attached hereto as Exhibit J.

20.   On June 5, 2018, United States Patent No. 9,990,174 (the "'174 Patent") was duly and legally issued by the United States Patent and Trademark Office for an invention entitled "System and Method for Creating and Navigating a Linear Hypermedia Resource Program." A true and correct copy of the '174 Patent is attached hereto as Exhibit K.

21.   The '323 Patent, the '324 Patent, the '523 Patent, the '144 Patent, the '830 Patent, the '173 Patent, the '672 Patent, the '814 Patent, '575 Patent, '026 Patent, and the '174 Patent are collectively referred to as the "Asserted Patents."

22.   Hypermedia is the owner of the Asserted Patents with all rights in and to the Asserted Patents.

23.   Upon information and belief, to the extent any marking was required by 35 U.S.C. § 287 with regards to the Asserted Patents, Hypermedia has complied with such requirements.

WILLFUL INFRINGEMENT

24.   On August 18, 2017, Hypermedia sent a letter to Defendant regarding all of the Asserted Patents that had issued at the time. Furthermore, Plaintiff's letter detailed that YouTube, Google Play Music, Google Video, Google Play Movies, and Android TV (the "Accused Instrumentalities") infringed one or more of the '323, '324, '523, '672, '830, '173, and '144 Patents (the "Presented Patents").

25.   Defendant provided no material, description, or evidence of non-infringement or invalidity of any of Hypermedia's patents.

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26.   Thus, Defendant was both aware of the Presented Patents and had been informed by Hypermedia that its products infringed the Presented Patents. Thus, Defendant has willfully infringed the Presented Patents.

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27.   Furthermore, Defendant intentionally infringed the Presented Patents by making, using, offering to sell and/or selling the Accused Instrumentalities within the United States.

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COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,383,323

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28.   Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems that infringes the claims of the '323 patent (*i.e.*, YouTube, Google Play Movies, and Android TV).

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29.   Upon information and belief, Defendant has been and is now infringing claims 1, 5, 8, 10, 11, 14, and 17 of the '323 Patent in the State of California, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, selling and/or offering for sale YouTube, Google Play Movies, and Android TV, covered by one or more claims of the '323 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '323 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '323 Patent pursuant to 35 U.S.C. § 271(a).

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30.   When placed into operation by Defendant or its end users, YouTube and Google Play Movies infringe claim 1 of the '323 Patent as they perform a method for presenting video media elements to a subscriber station, the method comprising: receiving a request from the subscriber station to present at least one video media element to the subscriber station; selecting a plurality of video media elements for presentation to the subscriber station, the plurality of video elements including a first video media element and a plurality of second video media elements; creating a first file for use by the subscriber station to create a first user interface that includes: a first viewing area in which the first video media element is presented; and a first map area having a plurality of icons, each icon representative of a corresponding one of the plurality of second video media elements, the plurality of icons available for selection to access corresponding video media elements; and

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transmitting the first file to the subscriber station; receiving a map area selection request from the subscriber station, the map area selection request corresponding to a selected icon of the first map area; creating a second file for use by the subscriber station to create a second user interface that includes: a second viewing area in which a second video media element is presented, the second video element corresponding to the selected icon of the first map area; a second map area having a plurality of icons, each icon representative of a corresponding one of a second plurality of second video media elements, the plurality of icons available for selection to access corresponding video media elements; and transmitting the second file to the subscriber station. *See* Ex. A-1, Figs. 1-24; A-2, Figs. 1-25.

31.   When placed into operation by Defendant or its end users, YouTube and Google Play Movies infringe claim 5 of the '323 Patent as they perform the method of claim 1, and further, wherein at least some of the plurality of video media elements comprise JPEG images. *See* Ex. A-1, Figs. 1-24; A-2, Figs. 1-25.

32.   When placed into operation by Defendant or its end users, YouTube and Google Play Movies infringe claim 8 of the '323 Patent as it performs the method of claim 1, and further, wherein each of the plurality of video media elements for presentation to the subscriber station resides on a common Web site *See* Ex. A-1, Figs. 1-24; A-2, Figs. 1-25.

33.   When placed into operation by Defendant or its end users, YouTube, Google Play Movies, and Android TV infringe claim 10 of the '323 Patent as they perform a method for presenting video media elements to a subscriber station by receiving request from the subscriber station to present at least one video element to the subscriber; selecting a plurality of video media elements for presentation the subscriber station; creating a file for use by the subscriber station to create a user interface; and transmitting the file to the subscriber station. *See* Ex. A-1, Figs. 1-24; A-2, Figs. 1-25; A-3, Figs. 1-7.

34.   When placed into operation by Defendant or its end users, Android TV infringes claim 11 of the '323 Patent as it performs the method of claim 10 and receives the request from the subscriber station includes receiving a search criteria and selecting the plurality of video media

elements includes selecting the plurality of video media elements based upon the search criteria. *See* Ex. A-3, Figs. 1-7.

35.   When placed into operation by Defendant or its end users, YouTube and Google Play Movies infringe claim 14 of the '323 Patent as they perform the method of claim 10, and furthermore, wherein at least some of the plurality of video media elements comprise JPEG images. *See* Ex. A-1, Figs. 1-24; A-2, Figs. 1-25.

36.   When placed into operation by Defendant or its end users, YouTube infringes claim 17 of the '323 Patent as it performs the method of claim 10, and furthermore, comprises creating a billing record indicating creation and transmittal of the file. *See* Ex. A-2, Figs. 1-25.

37.   As a result of Defendant's infringement of the '323 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

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COUNT II

INFRINGEMENT OF U.S. PATENT NO. 7,383,324

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38.   Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, YouTube and Google Play Movies) that infringe claims 1, 2, 10, and 11 of the '324 patent.

39.   Upon information and belief, Defendant has been and is now infringing claims 1, 2, 10, and 11 of the '324 Patent in the State of California, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, selling and/or offering for sale the YouTube and Google Play Movies, covered by one or more claims of the '324 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '324 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '324 Patent pursuant to 35 U.S.C. § 271(a).

40.   When placed into operation by Defendant or its end users, YouTube and Google Play Movies infringe claim 1 of the '324 Patent as they perform a method for presenting video media

elements to a subscriber station by receiving request from the subscriber station to present at least one video element to the subscriber; selecting a plurality of video media elements for presentation the subscriber station; creating a file for use by the subscriber station to create a user interface; and transmitting the file to the subscriber station. *See* Ex. B-1, Figs. 1-21; B-2, Figs. 1-19.

41.   When placed into operation by Defendant or its end users, YouTube and Google Play Movies infringe claim 2 of the '324 Patent as they perform the method of claim 1 and each of the first plurality of video media elements and the second plurality of video elements are associated with the Web site. *See* Ex. B-1, Figs. 1-21; B-2, Figs. 1-19.

42.   When placed into operation by Defendant or its end users, YouTube and Google Play Movies infringe claim 10 of the '324 Patent as they perform a method for operating a Web site to cause presentation of video media elements to a subscriber station, the method comprising: downloading a base media element file to the subscriber station that, upon display by the subscriber station, presents a first interface that includes: a first viewing area in which an icon representative of a selected video media element is presented; a first map area having a plurality of icons, each icon representative of a corresponding one of a first plurality of video media elements; and a search criteria interface; receiving a search criteria from the subscriber station; selecting a second plurality of video media elements based upon the search criteria; downloading a second media element file to the subscriber station that, upon display by the subscriber station presents icons representative of the second plurality of video media elements; receiving a video media element selection from the subscriber station corresponding to a selected one of the second plurality of video media elements; downloading a third media element file to the subscriber station that, upon display by the subscriber station presents an interface that includes: a third viewing area in which the selected one of the second plurality of video media elements is presented; and a third map area having a plurality of icons, each

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No. 3:18-cv-6137

icon representative of a corresponding one of a third plurality of video media elements. *See* Ex. B-1, Figs. 1-21; B-2, Figs. 1-19.

43. When placed into operation by Defendant or its end users, YouTube and Google Play Movies infringe claim 11 of the '324 Patent as they perform the method of claim 10, and further, wherein each of the first plurality of video media elements, the second plurality of video media elements, and the plurality of video media elements are associated with the Web site. *See* Ex. B-1, Figs. 1-21; B-2, Figs. 1-19.

44. As a result of Defendant's infringement of the '324 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

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COUNT III
INFRINGEMENT OF U.S. PATENT NO. 7,424,523

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45. Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, Google Play Music and YouTube) that infringes the claims of the '523 patent.

46. Upon information and belief, Defendant has been and is now infringing claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the '523 Patent in the State of California, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, selling and/or offering for sale the Google Play Music and YouTube, covered by one or more claims of the '523 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '523 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '523 Patent pursuant to 35 U.S.C. § 271(a).

47. When placed into operation by Defendant or its end users, YouTube infringes claim 1 of the '523 Patent as it performs a method for navigating a linear Web program wherein the linear

Web program includes a plurality of addresses that correspond to a plurality of media elements of the World Wide Web, wherein the plurality of addresses are ordered in the linear Web program in accordance with a linear sequence, and wherein the linear Web program and the plurality of media elements are stored on a remote information node, the method comprising: sending data from the remote information node to display, in a display window of a display device of a subscriber station at a user location, a first media element of the plurality of media elements, the first media element having a forward link to a second media element of the linear Web program; sending the linear Web program from the remote information node to the subscriber station; sending data from the remote information node that causes the display of a forward link indicator on the display device; receiving a first signal in response to an action of the user indicating an activation of the forward link indicator, and in response to the activation of the forward link indicator, sending data from the remote information node to display in the display window, the second media element of the linear Web program, the second media element having a forward link to a third media element of the linear Web program; and receiving a second signal in response to an action of the user indicating an activation of the forward link indicator, and in response to the activation of the forward link indicator, sending data from the remote information node to display in the display window, the third media element of the linear Web program. *See* Ex. C-2, Figs. 1-29.

48.   When placed into operation by Defendant or its end users, YouTube infringes claim 2 of the '523 Patent as it performs the method of claim 1, and further wherein the forward link indicator includes a forward link button. *See* Ex. C-2, Figs. 1-29.

49.   When placed into operation by Defendant or its end users, YouTube infringes claim 3 of the '523 Patent as it performs the method of claim 1, and further comprises sending data from the remote information node that causes the display of a backward link indicator on the display device. *See* Ex. C-2, Figs. 1-29.

50.   When placed into operation by Defendant or its end users, YouTube infringes claim 4 of the '523 Patent as it performs the method of claim 3, and further, wherein the second media element

has a backward link to the first media element, and wherein the method further comprises: receiving a third signal in response to an action of the user indicating an activation of the backward link indicator, and in response to the activation of the backward link indicator when the second web page is being displayed in the display window, activating a backward link to the first media element of the linear Web program. *See* Ex. C-2, Figs. 1-29.

51.   When placed into operation by Defendant or its end users, YouTube infringes claim 5 of the '523 Patent as it performs the method of claim 3, and further, wherein the backward link indicator includes a backward link button. *See* Ex. C-2, Figs. 1-29.

52.   When placed into operation by Defendant or its end users, Google Play Music and YouTube infringe claim 6 of the '523 Patent as they performs a method for navigating a linear Web program by sending data from a remote information node to display, on a display device at a user location, a first media element of the plurality of media elements from the single Website, the first media element having a forward link to a second media element of the linear Web program, and to display a forward link indicator on the display device; receiving a first signal in response to an action of the user indicating an activation of the forward link indicator, and in response to the activation of the forward link indicator, sending data from the remote information node to display on the display device; and receiving a second signal in response to an action of the user indicating an activation of the forward link indicator, and in response to the activation of the forward link indicator, sending data from the remote information node to display on the display device, the third media element of the linear Web program. *See* Ex. C-1, Figs. 1-12; C-2, Figs. 1-29.

53.   When placed into operation by Defendant or its end users, Google Play Music and YouTube infringe claim 7 of the '523 Patent as they perform the method of claim 6 and the forward link indicator includes a forward link button. *See* Ex. C-1, Figs. 1-12; C-2, Figs. 1-29.

54.   When placed into operation by Defendant or its end users, Google Play Music and YouTube infringe claim 8 of the '523 Patent as they perform the method of claim 6 and the media elements include a series of backward links by sending data from the remote information node

causing the display of a backward link on the display device. *See* Ex. C-1, Figs. 1-12; C-2, Figs. 1-29.

55.   When placed into operation by Defendant or its end users, YouTube infringes claim 9 of the '523 Patent as it performs the method of claim 8 and includes second media elements with a backward link to the first media element, whereby receiving a third signal from a user action indicating activation of the backward, and in response to the activation of the backward link from the second webpage being displayed on the device, activating a backward link to the first media element of the linear web program. *See* Ex. C-2, Figs. 1-29.

56.   When placed into operation by Defendant or its end users, YouTube infringes claim 10 of the '523 Patent as it performs the method of claim 9 and the linear web program includes a plurality of addresses the correspond to the plurality of media elements that are ordered in accordance with a linear sequence. *See* Ex. C-2, Figs. 1-29.

57.   When placed into operation by Defendant or its end users, Google Play Music and YouTube infringe claim 11 of the '523 Patent as they perform the method of claim 6 and also store the linear web program at a remote information node. *See* Ex. C-1, Figs. 1-12; C-2, Figs. 1-29.

58.   When placed into operation by Defendant or its end users, Google Play Music and YouTube infringe claim 12 of the '523 Patent as they perform the method of claim 11 and send the linear web program to a subscriber station at the user location, wherein the subscriber station includes the display device. *See* Ex. C-1, Figs. 1-12; C-2, Figs. 1-29.

59.   As a result of Defendant's infringement of the '523 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT IV

INFRINGEMENT OF U.S. PATENT NO. 7, 478,144

60.   Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, Google Play Music, YouTube, Android TV, and Google Videos) that infringe the claims of the '144 patent.

61.   Upon information and belief, Defendant has been and is now infringing claims 1, 2, 3, 4, 7, 9, 10, 11, 12, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 41, 44, 48, and 49 of the '144 Patent in the State of California, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, selling and/or offering for sale Google Play Music, YouTube, Google Play Movies, Android TV, and Google Videos, covered by one or more claims of the '144 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '144 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '144 Patent pursuant to 35 U.S.C. § 271(a).

62.   When placed into operation by Defendant or its end users, YouTube infringes claim 1 of the '144 Patent, it performs a method of creating a linear Web program that includes activation of a forward link indicator that exclusively activates a link to a next program element of a linearly linked sequence of program elements, the method comprising: selecting a first media element of the linear Web program; selecting a second media element of the linear Web program; selecting a third media element of the linear Web program; and associating a plurality of program elements to the linear linked sequence of program elements, wherein each of the plurality of program elements includes an address of one of a plurality of media elements, and wherein the plurality of media elements include the first media element, the second media element and the third media element; wherein the addresses of the plurality of media elements correspond to a single Website of the World Wide Web. *See* Ex. D-4, Figs. 1-28.

63.   When placed into operation by Defendant or its end users, YouTube infringes claim 2 of the '144 Patent. It performs the method of claim 1, and further comprising: storing the linear Web program on a remote information node. *See* Ex. D-4, Figs. 1-28.

64.   When placed into operation by Defendant or its end users, YouTube infringes claim 3 of the '144 Patent. It performs the method of claim 1, and further comprising: sending the linear Web program from the remote information node to a subscriber station at a user location over the Internet. *See* Ex. D-4, Figs. 1-28.

65.   When placed into operation by Defendant or its end users, YouTube infringes claim 4 of the '144 Patent. It performs the method of claim 1, wherein the first media element, the second media element and the third media element are selected in response to user selections. *See* Ex. D-4, Figs. 1-28.

66.   When placed into operation by Defendant or its end users, YouTube infringes claim 7 of the '144 Patent. It performs the method of claim 1 and further wherein the step of associating the plurality of program elements to the linear linked sequence of program elements includes associating the plurality of program elements by the linear linked sequence for navigation by activation of a backward link indicator that exclusively activates a link to a previous program element of the linearly linked sequence. *See* Ex. D-4, Figs. 1-28.

67.   When placed into operation by Defendant or its end users, YouTube infringes claim 9 of the '144 Patent. It performs the method of claim 1 and further wherein each of the first media element, the second media element and the third media element comprise separate Web pages of the World Wide Web. *See* Ex. D-4, Figs. 1-28.

68.   When placed into operation by Defendant or its end users, YouTube infringes claim 10 of the '144 Patent. It performs the method of claim 1 and further, wherein the first media element, the second media element and the third media element are each stored on a remote information node. *See* Ex. D-4, Figs. 1-28.

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69.   When placed into operation by Defendant or its end users, YouTube infringes claim 11 of the '144 Patent. It performs a method comprising: selecting a first media element of a linear Web program; selecting a second media element of the linear Web program; selecting a third media element of the linear Web program; creating the linear Web program for navigation by a user by activation of a forward link indicator that exclusively activates a link to a next program element of a linearly linked sequence, by associating a plurality of program elements by the linear linked sequence, wherein each of the plurality of program elements includes an address of one of a plurality of media elements, and wherein the plurality of media elements include the first media element, the second media element and the third media element; storing the linear Web program on a remote information node; and sending the linear Web program from the remote information node to a subscriber station at a user location over the Internet. *See* Ex. D-4, Figs. 1-28.

70.   When placed into operation by Defendant or its end users, YouTube infringes claim 12 of the '144 Patent. It performs the method of claim 11 and further, wherein addresses of the plurality of program elements correspond to a single Website of the World Wide Web. *See* Ex. D-4, Figs. 1-28.

71.   When placed into operation by Defendant or its end users, YouTube infringes claim 16 of the '144 Patent. It performs the method of claim 11, and further, wherein the step of creating the linear Web program includes associating the plurality of program elements by the linear linked sequence for navigation by a user by activation of a backward link indicator that exclusively activates a link to a previous program element of the linearly linked sequence. *See* Ex. D-4, Figs. 1-28.

72.   When placed into operation by Defendant or its end users, YouTube infringes claim 18 of the '144 Patent. It performs the method of claim 11, and further, wherein each of the first media element, the second media element and the third media element comprise separate Web pages of the World Wide Web. *See* Ex. D-4, Figs. 1-28.

73.   When placed into operation by Defendant or its end users, YouTube infringes claim 19 of the '144 Patent. It performs the method of claim 11, and further, wherein the first media

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element, the second media element and the third media element are each stored on the remote information node. *See* Ex. D-4, Figs. 1-28.

74.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 20 of the '144 Patent. It performs a method of creating a linear program of audio elements, the method comprising: receiving a search request from a user; selecting a first audio element in response to the search request; selecting a second audio element in response to the search request; selecting a third audio element in response to the search request; associating the first audio element, the second audio element and the third audio element in a linearly linked fashion to produce the linear program of audio elements; displaying a plurality of indicators, each of the plurality of indicators representing a corresponding one of the first audio element, the second audio element and the third audio element; and in response to a user selection of one of the plurality of indicators, selecting the corresponding one of, the first audio element, the second audio element and the third audio element; wherein the first audio element, the second audio element and the third audio element are stored on an information node of the World Wide Web. *See* Ex. D-2, Figs. 1-15.

75.   When placed into operation by Defendant or its end users, YouTube infringes claim 21 of the '144 Patent. It performs the method of claim 20, and further comprises displaying a forward link indicator that selects a next program element of a linear program of audio elements. *See* Ex. D-4, Figs. 1-28.

76.   When placed into operation by Defendant or its end users, YouTube infringes claim 22 of the '144 Patent. It performs the method of claim 20 and further comprises displaying a backward link indicator that selects a previous program element of a linear program of audio elements. *See* Ex. D-4, Figs. 1-28.

77.   When placed into operation by Defendant or its end users, YouTube infringes claim 23 of the '144 Patent. It performs the method of claim 20 and further comprises displaying the linear program of audio elements to a subscriber station at a user location over the Internet. *See* Ex. D-4, Figs. 1-28.

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78.   When placed into operation by Defendant or its end users, YouTube infringes claim 24 of the '144 Patent. It performs the method of claim 20 and further, wherein the indicator includes at least one of: text, icons and graphical depictions. *See* Ex. D-4, Figs. 1-28.

79.   When placed into operation by Defendant or its end users, YouTube infringes claim 25 of the '144 Patent. It performs a method of creating a linear program of audio elements, the method comprising: receiving a search request from a user; selecting a first audio element in response to the search request; selecting a second audio element in response to the search request; selecting a third audio element in response to the search request; associating the first audio element, the second audio element and the third audio element in a linearly linked fashion to produce the linear program of audio elements; displaying a forward link indicator that selects a next program element of a linear program of audio elements; and displaying a backward link indicator that selects a previous program element of a linear program of audio elements; wherein the first audio element, the second audio element and the third audio element are stored on an information node of the World Wide Web. *See* Ex. D-4, Figs. 1-28.

80.   When placed into operation by Defendant or its end users, YouTube infringes claim 26 of the '144 Patent. It performs the method of claim 25, and further comprises displaying a plurality of indicators, each of the plurality of indicators representing a corresponding one of the first audio element, the second audio element and the third audio element. *See* Ex. D-4, Figs. 1-28.

81.   When placed into operation by Defendant or its end users, YouTube infringes claim 28 of the '144 Patent. It performs the method of claim 25, and further comprises in response to a user selection of one of the plurality of indicators, highlighting and selecting the corresponding one of, the first audio element, the second audio element and the third audio element. *See* Ex. D-4, Figs. 1-28.

82.   When placed into operation by Defendant or its end users, YouTube and Google Videos infringe claim 41 of the '144 Patent. The perform the method of claim 39, and further, wherein he user interface includes: a viewing area in which at least one image of the plurality of

found video media elements is presented; and a map area in which information regarding some of the plurality of found video media elements is presented. *See* Ex. D-4, Figs. 1-28; D-3, Figs. 1-6.

83.   When placed into operation by Defendant or its end users, Android TV infringes claim 44 of the '144 Patent. It performs a method or performing a search for media elements and for providing the media elements to a subscriber station, the method comprising: receiving a search request from the subscriber station to perform a search for media elements, the search request including at least one search term; searching for media elements based upon the search request to produce a plurality of found media elements; selecting, from the plurality of found media elements, a first media element; selecting, from the plurality of found media elements, a plurality of second media elements; creating a file for use by the subscriber station to create a user interface that includes: a viewing area in which the first media element is presented; and a map area in which information regarding the plurality of second media elements is presented; and transmitting the file to the subscriber station. *See* Ex. D-1, Figs. 1-9.

84.   When placed into operation by Defendant or its end users, Android TV infringes claim 48 of the '144 Patent. It performs the method of claim 44, and further comprises creating another file for use by the subscriber station to create another user interface that includes: a viewing area in which the second video media element is presented; a map area in which information regarding the plurality of third media elements. *See* Ex. D-1, Figs. 1-9.

85.   When placed into operation by Defendant or its end users, Android TV infringes claim 49 of the '144 Patent. It performs the method of claim 44, and further, wherein the map area and the display area are non-overlapping. *See* Ex. D-1, Figs. 1-9.

86.   As a result of Defendant's infringement of the '144 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT V
INFRINGEMENT OF U.S. PATENT NO. 7,769,830

87.   Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, YouTube) that infringes claims 1, 4, 7, 8, 9, 12, 13, 15, 18, 19, 20, 21, 24, and 25 of the '830 patent.

88.   Upon information and belief, Defendant has been and is now infringing claims 1, 4, 7, 8, 9, 12, 13, 15, 18, 19, 20, 21, 24, and 25 of the '830 Patent in the State of California, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, selling and/or offering for sale YouTube, covered by one or more claims of the '830 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '830 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '830 Patent pursuant to 35 U.S.C. § 271(a).

89.   When placed into operation by Defendant or its end users, YouTube infringes claim 1 of the '830 Patent as it performs a method for operating at least one web server to present video media elements to a subscriber station by receiving a web page request from the subscriber station; in response to receiving the web page request, the at least one web server creating at least one web page for use by a browser of the subscriber station to produce a user interface at the subscriber station that includes a viewing area and a map area; and responding to the web page request by the at least one web server by initiating download of the at least one web page to the subscriber station . *See* Ex. E-1, Figs. 1-24.

90.   When placed into operation by Defendant or its end users, YouTube infringes claim 4 of the '830 Patent as it performs the method of claim 1 and further comprises receiving a selection from the subscriber station of one of the plurality of second video media elements for display in the viewing area by the at least one web server. *See* Ex. E-1, Figs. 1-24.

91.   When placed into operation by Defendant or its end users, YouTube infringes claim 7 of the '830 Patent as it performs the method of claim 1 and further wherein receiving the web page request from the subscriber station by the at least one web server includes receiving a search criteria

and at least one search preference; and further comprising the at least one web server selecting the first video media element and the plurality of second video media elements based upon the search criteria and the at least one search preference. *See* Ex. E-1, Figs. 1-24.

92.   When placed into operation by Defendant or its end users, YouTube infringes claim 8 of the '830 Patent as it performs the method of claim 1 and further wherein at least some icons of the map area comprise JPEG images. *See* Ex. E-1, Figs. 1-24.

93.   When placed into operation by Defendant or its end users, YouTube infringes claim 9 of the '830 Patent as it performs the method of claim 1 and further wherein at least some of the plurality of video media elements comprise JPEG images. *See* Ex. E-1, Figs. 1-24.

94.   When placed into operation by Defendant or its end users, YouTube infringes claim 12 of the '830 Patent as it performs the method of claim 1 and further wherein at least some icons of the map area convey subjects of corresponding second video media elements. *See* Ex. E-1, Figs. 1-24.

95.   When placed into operation by Defendant or its end users, YouTube infringes claim 13 of the '830 Patent as it performs the method of claim 1 and further wherein the plurality of video media elements for presentation to the subscriber station reside on a common Web site. *See* Ex. E-1, Figs. 1-24.

96.   When placed into operation by Defendant or its end users, YouTube infringes claim 15 of the '830 Patent as it performs a method for presenting video media elements to a subscriber station by at least one web server, the method comprising: creating at least one web page by the at least one web server for use by a browser of the subscriber station to produce a user interface at the subscriber station that includes: a viewing area in which a first video media element is presented; and a map area in which a plurality of icons are presented, each icon representative of a corresponding one of a plurality of second video media elements, the plurality of icons available for selection to access corresponding video media elements; receiving a web page request from the subscriber station

by the at least one web server; and responding to the web page request by the at least one web server by initiating download of the at least one web page to the subscriber station. *See* Ex. E-1, Figs. 1-24.

97.   When placed into operation by Defendant or its end users, YouTube infringes claim 18 of the '830 Patent as it performs the method of claim 15 and further wherein the plurality of video media elements are selected by the at least one web server after receipt of the web page request from the subscriber station. *See* Ex. E-1, Figs. 1-24.

98.   When placed into operation by Defendant or its end users, YouTube infringes claim 19 of the '830 Patent as it performs the method of claim 15 and further comprises the at least one web server receiving a selection from the subscriber station of one of the plurality of second video media elements for display in the viewing area. *See* Ex. E-1, Figs. 1-24.

99.   When placed into operation by Defendant or its end users, YouTube infringes claim 20 of the '830 Patent as it performs the method of claim 15 and further wherein at least some icons of the map area comprise JPEG images. *See* Ex. E-1, Figs. 1-24.

100.   When placed into operation by Defendant or its end users, YouTube infringes claim 21 of the '830 Patent as it performs the method of claim 15 and further wherein at least some of the plurality of video media elements comprise JPEG images. *See* Ex. E-1, Figs. 1-24.

101.   When placed into operation by Defendant or its end users, YouTube infringes claim 24 of the '830 Patent as it performs the method of claim 15 and further wherein at least some icons of the map area convey subjects of corresponding second video media elements. *See* Ex. E-1, Figs. 1-24.

102.   When placed into operation by Defendant or its end users, YouTube infringes claim 25 of the '830 Patent as it performs the method of claim 15 and further wherein at least one web server creating a billing record indicating creation and transmittal of the web page. *See* Ex. E-1, Figs. 1-24.

103.   As a result of Defendant's infringement of the '830 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for

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Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT VI
INFRINGEMENT OF U.S. PATENT NO. 8,250,173

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104.   Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, YouTube, Google Play Movies, and Google Videos) that infringes the claims of the '173 patent.

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105.   Upon information and belief, Defendant has been and is now infringing claims 1, 2, 5, 6, 12, 13, 15, 16, 17, 18, 21, 22, 23, 24, and 25 of the '173 Patent in the State of California, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, selling and/or offering for sale YouTube, Google Play Movies, and Google Videos, covered by one or more claims of the '173 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '173 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '173 Patent pursuant to 35 U.S.C. § 271(a).

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106.   When placed into operation by Defendant or its end users, Google Play Movies infringes claim 1 of the '173 Patent. It performs a method for operating at least one web server to present video media elements to a subscriber station, the method comprising: receiving a web page request from the subscriber station by the at least one web server; in response to receiving the web page request, the at least one web server accessing a web page for use by a browser of the subscriber station to produce a user interface at the subscriber station that includes: a viewing area in which a preview of a first video media element is presented, the preview available for selection to access a corresponding video media element; and a map area in which a plurality of icons are presented, each icon representative of a corresponding one of a plurality of second video media elements, the plurality of icons available for selection to access corresponding video media elements; and responding to the web page request by the at least one web server by initiating download of the web page to the subscriber station. *See* Ex. F-1, Figs. 1-29.

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107.   When placed into operation by Defendant or its end users, Google Play Movies infringes claim 2 of the '173 Patent. It performs the method of claim 1, wherein the preview of the first media element comprises a still image. *See* Ex. F-1, Figs. 1-29.

108.   When placed into operation by Defendant or its end users, Google Play Movies infringes claim 5 of the '173 Patent. It performs the method of claim 1, further comprising: receiving a selection from the subscriber station of the corresponding video media element; and servicing the selection by causing presentation of the corresponding video media element on the subscriber station. *See* Ex. F-1, Figs. 1-29.

109.   When placed into operation by Defendant or its end users, Google Play Movies infringes claim 6 of the '173 Patent. It performs the method of claim 1, further comprising: receiving a selection from the subscriber station of one of the plurality of second video media; and servicing the selection by causing presentation of the selected one of the plurality of second video media elements on the subscriber station. *See* Ex. F-1, Figs. 1-29.

110.   When placed into operation by Defendant or its end users, Google Play Movies infringes claim 12 of the '173 Patent. It performs the method of claim 1, wherein at least some icons of the map area convey subjects of corresponding second video media elements. *See* Ex. F-1, Figs. 1-29.

111.   When placed into operation by Defendant or its end users, Google Play Movies infringes claim 13 of the '173 Patent. It performs the method of claim 1, wherein the plurality of video media elements for presentation to the subscriber station reside on a common Web site. *See* Ex. F-1, Figs. 1-29.

112.   When placed into operation by Defendant or its end users, YouTube, Google Play Movies, and Google Videos infringe claim 15 of the '173 Patent. They perform a method for presenting video media elements to a subscriber station by at least one web server, the method comprising: receiving a web page request from the subscriber station that includes a search criteria; retrieving a plurality of video media elements based upon the search criteria; creating at least one

web page by the at least one web server for use by a browser of the subscriber station to produce a user interface at the subscriber station that includes: a map area in which a plurality of icons are presented, each icon representative of a corresponding one of the plurality of video media elements, the plurality of icons available for selection to access corresponding video media elements; and responding to the web page request by the at least one web server by initiating download of the at least one web page to the subscriber station. *See* Ex. F-1, Figs. 1-29; F-2, Figs. 1-8; F-3, Figs. 1-10.

113.   When placed into operation by Defendant or its end users, YouTube, Google Play Movies, and Google Videos infringe claim 16 of the '173 Patent. They perform the method of claim 15, further comprising: receiving a selection from the subscriber station of a corresponding video media element; and servicing the selection by causing presentation of the corresponding video media element on the subscriber station. *See* Ex. F-1, Figs. 1-29; F-2, Figs. 1-8; F-3, Figs. 1-10.

114.   When placed into operation by Defendant or its end users, Google Play Movies infringes claim 17 of the '173 Patent. It performs the method of claim 15, further comprising: receiving a selection from the subscriber station of a corresponding video media element; in response to receiving the selection, the at least one web server creating at least one second web page for use by a browser of the subscriber station to produce a user interface at the subscriber station that includes: a viewing area in which an icon representing the corresponding video media element is presented; and a map area in which a plurality of icons are presented, each icon representative of a corresponding one of a plurality of second video media elements, the plurality of icons available for selection to access corresponding video media elements; and responding to the selection by the at least one web server by initiating download of the at least one second web page to the subscriber station. *See* Ex. F-1, Figs. 1-29.

115.   When placed into operation by Defendant or its end users, Google Play Movies infringes claim 18 of the '173 Patent. It performs the method of claim 17, further comprising: receiving a selection from the subscriber station of the corresponding video media; and servicing the

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selection by causing presentation of the corresponding video media on the subscriber station. *See* Ex. F-1, Figs. 1-29.

116.   When placed into operation by Defendant or its end users, Google Play Movies infringes claim 21 of the '173 Patent. It performs the method of claim 15, further comprising: receiving a selection from the subscriber station of a corresponding video media element; and in response to receiving the selection, the at least one web server creating at least one second web page for use by a browser of the subscriber station to produce a user interface at the subscriber station that includes at least an icon representing the corresponding video media element. *See* Ex. F-1, Figs. 1-29.

117.   When placed into operation by Defendant or its end users, Google Play Movies infringes claim 22 of the '173 Patent. It performs the method of claim 21, further comprising: receiving a selection from the subscriber station of the corresponding video media; and servicing the selection by causing presentation of the corresponding video media on the subscriber station. *See* Ex. F-1, Figs. 1-29.

118.   When placed into operation by Defendant or its end users, Google Play Movies infringes claim 23 of the '173 Patent. It performs the method of claim 21, wherein the at least one second web page further comprises a map area in which a plurality of icons are presented, each icon representative of a corresponding one of another plurality of video media elements. *See* Ex. F-1, Figs. 1-29.

119.   When placed into operation by Defendant or its end users, YouTube, Google Play Movies, and Google Videos infringe claim 24 of the '173 Patent. They perform the method of claim 15, further comprising: receiving a selection from the subscriber station of a corresponding video media element; in response to receiving the selection, the at least one web server creating at least one second web page for use by a browser of the subscriber station to produce a user interface at the subscriber station that includes: a viewing area in which an icon representing the corresponding video media element is presented; and a map area in which a plurality of icons are presented, each icon

representative of a corresponding one of a plurality of second video media elements, the plurality of icons available for selection to access corresponding video media elements; and responding to the selection by the at least one web server by initiating download of the at least one second web page to the subscriber station. *See* Ex. F-1, Figs. 1-29; F-2, Figs. 1-8; F-3, Figs. 1-10.

120.   When placed into operation by Defendant or its end users, YouTube and Google Play Movies, infringe claim 25 of the '173 Patent. They perform the method of claim 15, wherein the plurality of video media elements for presentation to the subscriber station reside on a common Web site. *See* Ex. F-1, Figs. 1-29; F-3, Figs. 1-10.

121.   As a result of Defendant's infringement of the '173 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT VII
INFRINGEMENT OF U.S. PATENT NO. 9,083,672

122.   Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, Google Play Music and YouTube) that infringes the claims of the '672 patent.

123.   Upon information and belief, Defendant has been and is now infringing claim 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, and 24 of the '672 Patent in the State of California, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, selling and/or offering for sale Google Play Music and YouTube, covered by one or more claims of the '672 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '672 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '672 Patent pursuant to 35 U.S.C. § 271(a).

124.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 1 of the '672 Patent. It performs a method of presenting a linear program of audio

elements, the method comprising: selecting a first audio element; selecting a second audio element; selecting a third audio element; associating the first audio element, the second audio element and the third audio element in a linearly linked fashion to produce the linear program of audio elements; displaying a plurality of indicators, each of the plurality of indicators representing a corresponding one of the first audio element, the second audio element or the third audio element; displaying a forward link indicator that selects a next program element of the linear program of audio elements; and in response to a user selection of one of the plurality of indicators, selecting the corresponding one of, the first audio element, the second audio element or the third audio element; wherein the first audio element, the second audio element and the third audio element are stored on a server of a World Wide Web. *See* Ex. G-1, Figs. 1-22.

125.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 2 of the '672 Patent. It performs the method of claim 1 further comprising: displaying a backward link indicator that selects a previous program element of the linear program of audio elements. *See* Ex. G-1, Figs. 1-22.

126.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 3 of the '672 Patent. It performs the method of claim 1 further comprising: displaying the linear program of audio elements to a subscriber station at a user location over an Internet. *See* Ex. G-1, Figs. 1-22.

127.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 4 of the '672 Patent. It performs the method of claim 1 wherein the plurality of indicators includes at least one of: text, icons or graphical depictions. *See* Ex. G-1, Figs. 1-22.

128.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 5 of the '672 Patent. It performs a method of presenting a linear program of audio elements, the method comprising: associating a first audio element, a second audio element and a third audio element in a linearly linked fashion to produce the linear program of audio elements; displaying the linear program of audio elements to a subscriber station at a user location over the

Internet by displaying a plurality of indicators, each of the plurality of indicators representing a corresponding one of the first audio element, the second audio element or the third audio element, wherein the plurality of indicators includes at least one of: text, icons and graphical depictions; in response to a user selection of one of the plurality of indicators, selecting the corresponding one of, the first audio element, the second audio element or the third audio element; displaying a forward link indicator that selects a next program element of the linear program of audio elements; and in response to a user selection of one of the plurality of indicators, selecting the corresponding one of, the first audio element, the second audio element or the third audio element; wherein the first audio element, the second audio element and the third audio element are stored on a server of a World Wide Web. *See* Ex. G-1, Figs. 1-22.

129.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 6 of the '672 Patent. It performs a method of presenting a linear program of audio elements, the method comprising: selecting a first audio element; selecting a second audio element; selecting a third audio element; associating the first audio element, the second audio element and the third audio element in a linearly linked fashion to produce the linear program of audio elements; displaying a forward link indicator that selects a next program element of the linear program of audio elements; and displaying a backward link indicator that selects a previous program element of the linear program of audio elements; wherein the first audio element, the second audio element and the third audio element are stored on a server of a World Wide Web. *See* Ex. G-1, Figs. 1-22.

130.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 7 of the '672 Patent. It performs the method of claim 6 further comprising: displaying a plurality of indicators, each of the plurality of indicators representing a corresponding one of the first audio element, the second audio element or the third audio element. *See* Ex. G-1, Figs. 1-22.

131.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 8 of the '672 Patent. It performs the method of claim 7 further comprising: in response to a user selection of one of the plurality of indicators, highlighting and selecting a corresponding one

of, the first audio element, the second audio element or the third audio element. *See* Ex. G-1, Figs. 1-22.

132.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 9 of the '672 Patent. It performs the method of claim 6 further comprising: sending the linear program of audio elements to a subscriber station at a user location over the Internet. *See* Ex. G-1, Figs. 1-22.

133.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 10 of the '672 Patent. It performs the method of presenting a linear program of audio elements, the method comprising: associating a first audio element, a second audio element and a third audio element in a linearly linked fashion to produce the linear program of audio elements; displaying a plurality of indicators, each of the plurality of indicators representing a corresponding one of the first audio element, the second audio element or the third audio element, wherein the plurality of indicators includes at least one of: text, icons or graphical depictions; in response to a user selection of one of the plurality of indicators, selecting the corresponding one of, the first audio element, the second audio element or the third audio element; and displaying a forward link indicator that selects a next program element of a linear program of audio elements; wherein the first audio element, the second audio element and the third audio element are stored on a server of a World Wide Web. *See* Ex. G-1, Figs. 1-22.

134.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 11 of the '672 Patent. It performs the method of claim 10 further comprising: in response to a user selection of one of the plurality of indicators, highlighting the corresponding one of, the first audio element, the second audio element or the third audio element. *See* Ex. G-1, Figs. 1-22.

135.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 12 of the '672 Patent. It performs the method of claim 10 further comprising:

displaying a backward link indicator that selects a previous program element of a linear program of audio elements. *See* Ex. G-1, Figs. 1-22.

136.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 13 of the '672 Patent. It performs the method of claim 10 further comprising: displaying the linear program of audio elements to a subscriber station at a user location over the Internet. *See* Ex. G-1, Figs. 1-22.

137.   When placed into operation by Defendant or its end users, YouTube infringes claim 14 of the '672 Patent. It performs the method of presenting a linear program of video elements, the linear program including a first video element, a second video element and a third video element, the method comprising: displaying a plurality of indicators in a map area of a display screen, each of the plurality of indicators representing a corresponding one of the first video element, the second video element or the third video element, wherein the plurality of indicators includes at least one of: text, icons or graphical depictions; displaying a forward link indicator corresponding to a next program element of the linear program of video elements; selecting the next program element of the linear program of video elements in response to a user selection of the forward link indicator; and displaying the selected next program element in a viewing area of the display screen; wherein the first video element, the second video element and the third video element are stored on a server of a World Wide Web. *See* Ex. G-2, Figs. 1-24.

138.   When placed into operation by Defendant or its end users, YouTube infringes claim 15 of the '672 Patent. It performs the method of claim 14 further comprising: in response to a user selection of one of the plurality of indicators, selecting a selected video element corresponding to one of, the first video element, the second video element or the third video element. *See* Ex. G-2, Figs. 1-24.

139.   When placed into operation by Defendant or its end users, YouTube infringes claim 16 of the '672 Patent. It performs the method of claim 14 further comprising: in response to a user

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selection of one of the plurality of indicators, highlighting the corresponding one of, the first video element, the second video element or the third video element. *See* Ex. G-2, Figs. 1-24.

140.   When placed into operation by Defendant or its end users, YouTube infringes claim 17 of the '672 Patent. It performs the method of claim 14 further comprising: displaying a backward link indicator corresponding to a previous program element of a linear program of video elements. *See* Ex. G-2, Figs. 1-24.

141.   When placed into operation by Defendant or its end users, YouTube infringes claim 18 of the '672 Patent. It performs the method of claim 14 further comprising: displaying the linear program of video elements to a subscriber station at a user location over the Internet. *See* Ex. G-2, Figs. 1-24.

142.   When placed into operation by Defendant or its end users, Google Play Music and YouTube infringe claim 20 of the '672 Patent. They perform a method for navigating a linear Web program wherein the linear Web program includes a plurality of addresses that correspond to a plurality of media elements of a World Wide Web, wherein the plurality of addresses are ordered in the linear Web program in accordance with a linear sequence, and wherein the linear Web program and the plurality of media elements are stored on a remote node, the method comprising: sending data from the remote node to display, in a display window of a display device of a subscriber station at a user location, a first media element of the plurality of media elements, the first media element having a forward link to a second media element of the linear Web program; sending the linear Web program from the remote node to the subscriber station; when the first media element is displayed in the display window, receiving a first signal in response to an action of the user indicating a first forward link activation, and in response to the first signal, sending data from the remote node to display in the display window, the second media element of the linear Web program, the second media element having a forward link to a third media element of the linear Web program; and when the second media element is displayed in the display window, receiving a second signal in response to an action of the user indicating a second forward link activation, and in response to the second signal, sending data

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from the remote node to display in the display window, the third media element of the linear Web program. *See* Ex. G-1, Figs. 1-22; G-2, Figs. 1-24.

143.   When placed into operation by Defendant or its end users, Google Play Music and YouTube infringe claim 21 of the '672 Patent. They perform the method of claim 20 further comprising: sending data from the remote node that causes the display of a forward link indicator on the display device. *See* Ex. G-1, Figs. 1-22; G-2, Figs. 1-24.

144.   When placed into operation by Defendant or its end users, Google Play Music and YouTube infringe claim 22 of the '672 Patent. They perform the method of claim 20 wherein the plurality of media elements are further associated by a series of backward links. *See* Ex. G-1, Figs. 1-22; G-2, Figs. 1-24.

145.   When placed into operation by Defendant or its end users, Google Play Music and YouTube infringe claim 23 of the '672 Patent. They perform the method of claim 22, wherein the method further comprises: sending data from the remote node that causes the display of a backward link indicator on the display device. *See* Ex. G-1, Figs. 1-22; G-2, Figs. 1-24.

146.   When placed into operation by Defendant or its end users, Google Play Music and YouTube infringe claim 24 of the '672 Patent. They perform the method of claim 20 wherein the second media element has a backward link to the first media element, and wherein the method further comprises: when the second media element is being displayed in the display window, receiving a third signal in response to an action of the user indicating a backward link activation; and in response to the third signal, activating the backward link to the first media element. *See* Ex. G-1, Figs. 1-22; G-2, Figs. 1-24.

147.   As a result of Defendant's infringement of the '672 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT VIII
INFRINGEMENT OF U.S. PATENT NO. 9,772,814

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148.   Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, the Google Play Music and YouTube) that infringe the claims of the '814 patent.

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149.   Upon information and belief, Defendant has been and is now infringing claims 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 20 of the '814 Patent in the State of California, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for sale Google Play Music and YouTube, covered by one or more claims of the '814 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '814 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '814 Patent pursuant to 35 U.S.C. § 271(a).

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150.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 1 of the '814 Patent. It performs a method of presenting a linear program of audio elements, the method comprising: selecting a first audio element via a server; selecting a second audio element via the server; selecting a third audio element via the server; associating, via the server, the first audio element, the second audio element and the third audio element in a linearly linked fashion to produce the linear program of audio elements; sending data for displaying a plurality of indicators, each of the plurality of indicators representing a corresponding one of the first audio element, the second audio element or the third audio element; sending data for displaying a forward link indicator that selects a next program element of the linear program of audio elements; and in response to a user selection of one of the plurality of indicators, selecting the corresponding one of, the first audio element, the second audio element or the third audio element; wherein the first audio element, the second audio element and the third audio element are stored on the server. *See* Ex. H-1, Figs. 1-22.

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151.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 2 of the '814 Patent. It performs the method of claim 1 further comprising: sending

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data for displaying a backward link indicator that selects a previous program element of the linear program of audio elements. *See* Ex. H-1, Figs. 1-22.

152.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 3 of the '814 Patent. It performs the method of claim 1 further comprising: sending data for displaying the linear program of audio elements to a subscriber station at a user location over an Internet. *See* Ex. H-1, Figs. 1-22.

153.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 4 of the '814 Patent. It performs the method of claim 1 wherein the plurality of indicators includes at least one of: text, icons or graphical depictions. *See* Ex. H-1, Figs. 1-22.

154.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 5 of the '814 Patent. It performs a method of presenting a linear program of audio elements, the method comprising: associating, via a server, a first audio element, a second audio element and a third audio element in a linearly linked fashion to produce the linear program of audio elements; sending data for displaying the linear program of audio elements to a subscriber station at a user location over an Internet connection by displaying a plurality of indicators, each of the plurality of indicators representing a corresponding one of the first audio element, the second audio element or the third audio element, wherein the plurality of indicators includes at least one of: text, icons and graphical depictions; in response to a user selection of one of the plurality of indicators, selecting the corresponding one of, the first audio element, the second audio element or the third audio element; sending data for displaying a forward link indicator that selects a next program element of the linear program of audio elements; and in response to a user selection of one of the plurality of indicators, selecting the corresponding one of, the first audio element, the second audio element or the third audio element; wherein the first audio element, the second audio element and the third audio element are stored on the server. *See* Ex. H-1, Figs. 1-22.

155.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 7 of the '814 Patent. It performs a method of presenting a linear program of audio

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elements, the method comprising: selecting, by a server, a first audio element; selecting, by the server, a second audio element; selecting, by the server, a third audio element; associating, by the server, the first audio element, the second audio element and the third audio element in a linearly linked fashion to produce the linear program of audio elements; sending data for displaying a forward link indicator that selects a next program element of the linear program of audio elements; and sending data for displaying a backward link indicator that selects a previous program element of the linear program of audio elements; wherein the first audio element, the second audio element and the third audio element are stored on the server. *See* Ex. H-1, Figs. 1-22.

156.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 8 of the '814 Patent. It performs the method of claim 7 further comprising: sending data for displaying a plurality of indicators, each of the plurality of indicators representing a corresponding one of the first audio element, the second audio element or the third audio element. *See* Ex. H-1, Figs. 1-22.

157.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 9 of the '814 Patent. It performs the method of claim 8 further comprising: in response to a user selection of one of the plurality of indicators, highlighting and selecting a corresponding one of, the first audio element, the second audio element or the third audio element. *See* Ex. H-1, Figs. 1-22.

158.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 10 of the '814 Patent. It performs a method of presenting a linear program of audio elements, the method comprising: receiving a search request from a client device; determining a first audio element, a second audio element and a third audio element in response to the search request; associating, by a server, the first audio element, the second audio element and the third audio element in a linearly linked fashion to produce the linear program of audio elements; sending data for displaying a plurality of indicators, each of the plurality of indicators representing a corresponding one of the first audio element, the second audio element or the third audio element, wherein the

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plurality of indicators includes at least one of: text, icons or graphical depictions; in response to a user selection of one of the plurality of indicators, selecting the corresponding one of, the first audio element, the second audio element or the third audio element; and sending data for displaying a forward link indicator that selects a next program element of a linear program of audio elements; wherein the first audio element, the second audio element and the third audio element are stored on a server of a World Wide Web. *See* Ex. H-1, Figs. 1-22.

159.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 11 of the '814 Patent. It performs the method of claim 10 further comprising: in response to a user selection of one of the plurality of indicators, highlighting the corresponding one of, the first audio element, the second audio element or the third audio element. *See* Ex. H-1, Figs. 1-22.

160.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 12 of the '814 Patent. It performs the method of claim 10 further comprising: sending data for displaying a backward link indicator that selects a previous program element of a linear program of audio elements. *See* Ex. H-1, Figs. 1-22.

161.   When placed into operation by Defendant or its end users, Google Play Music infringes claim 13 of the '814 Patent. It performs the method of claim 10 further comprising: sending data for displaying the linear program of audio elements to a subscriber station at a user location over an Internet connection. *See* Ex. H-1, Figs. 1-22.

162.   When placed into operation by Defendant or its end users, YouTube infringes claim 14 of the '814 Patent. It performs a method of presenting a linear program of video elements, the linear program including a first video element, a second video element and a third video element, the method comprising: sending data for displaying a plurality of indicators in a map area of a display screen, each of the plurality of indicators representing a corresponding one of the first video element, the second video element or the third video element, wherein the plurality of indicators includes at least one of: text, icons or graphical depictions; sending data for displaying a forward link indicator

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corresponding to a next program element of the linear program of video elements; selecting, by a server, the next program element of the linear program of video elements in response to a user selection of the forward link indicator; and sending data for displaying the selected next program element in a viewing area of the display screen; wherein the first video element, the second video element and the third video element are stored on the server. *See* Ex. H-2, Figs. 1-21.

163.　When placed into operation by Defendant or its end users, YouTube infringes claim 15 of the '814 Patent. It performs the method of claim 14 further comprising: in response to a user selection of one of the plurality of indicators, selecting a selected video element corresponding to one of, the first video element, the second video element or the third video element. *See* Ex. H-2, Figs. 1-21.

164.　When placed into operation by Defendant or its end users, YouTube infringes claim 16 of the '814 Patent. It performs the method of claim 14 further comprising: in response to a user selection of one of the plurality of indicators, highlighting the corresponding one of, the first video element, the second video element or the third video element. *See* Ex. H-2, Figs. 1-21.

165.　When placed into operation by Defendant or its end users, YouTube infringes claim 17 of the '814 Patent. It performs the method of claim 14 further comprising: displaying a backward link indicator corresponding to a previous program element of a linear program of video elements. *See* Ex. H-2, Figs. 1-21.

166.　When placed into operation by Defendant or its end users, YouTube infringes claim 18 of the '814 Patent. It performs the method of claim 14 further comprising: sending data for displaying the linear program of video elements to a subscriber station at a user location over an Internet. *See* Ex. H-2, Figs. 1-21.

167.　When placed into operation by Defendant or its end users, Google Play Music and YouTube infringe claim 20 of the '814 Patent. They perform a method for navigating a linear Web program wherein the linear Web program includes a plurality of addresses that correspond to a plurality of media elements of a World Wide Web, wherein the plurality of addresses are ordered in

the linear Web program in accordance with a linear sequence, and wherein the linear Web program and the plurality of media elements are stored on a network node, the method comprising: sending data from the network node to display, in a display window of a display device of a subscriber station at a user location, a first media element of the plurality of media elements, the first media element having a forward link to a second media element of the linear Web program; sending the linear Web program from the network node to the subscriber station; when the first media element is displayed in the display window, receiving a first signal in response to an action of the user indicating a first forward link activation, and in response to the first signal, sending data from the network node to display in the display window, the second media element of the linear Web program, the second media element having a forward link to a third media element of the linear Web program; and when the second media element is displayed in the display window, receiving a second signal in response to an action of the user indicating a second forward link activation, and in response to the second signal, sending data from the network node to display in the display window, the third media element of the linear Web program. *See* Ex. H-1, Figs. 1-22; H-2, Figs. 1-21.

168.   As a result of Defendant's infringement of the '814 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

<div align="center">

COUNT IX
INFRINGEMENT OF U.S. PATENT NO. 9,864,575

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169.   Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, Google Images) that infringes the claims of the '575 Patent.

170.   Upon information and belief, Defendant has been and is now infringing claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of the '575 Patent in the State of California, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for Google Images,

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covered by one or more claims of the '575 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '575 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '575 Patent pursuant to 35 U.S.C. § 271(a).

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171.   When placed into operation by Defendant or its end users, Google Images infringes claim 1 of the '575 Patent. It performs a method of presenting a linear program of image elements, the method comprising: selecting, via a server of a World Wide Web including a processor and a memory, a first image element; selecting, via the server of the World Wide Web, a second image element; selecting, via the server of the World Wide Web, a third image element; associating, via the server of the World Wide Web, the first image element, the second image element and the third image element in a linearly linked fashion to produce the linear program of image elements; transmitting, via the server of the World Wide Web, first data for display in a map area of a display screen of a client device associated with a user, the first data including a plurality of indicators, each of the plurality of indicators representing a corresponding one of the first image element, the second image element and the third image element; transmitting via the server of the World Wide Web and for display on the display screen of the client device associated with the user, second data including a forward link indicator that facilitates automatic selection a next program element of the linear program of image elements; and receiving, via the server of the World Wide Web, third data from the client device associated with the user indicating a selection by the user of one of the plurality of indicators representing a selected one of, the first image element, the second image element or the third image element; wherein the first image element, the second image element and the third image element are stored on the server of the World Wide Web and wherein the selected one of, the first image element, the second image element or the third image element is transmitted, via the server of the World Wide Web, to the client device associated with the user. *See* Ex. I-1, Figs. 1-38.

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172.   When placed into operation by Defendant or its end users, Google Images infringes claim 2 of the '575 Patent. It performs the method of claim 1 further comprising: transmitting, via the server of the World Wide Web, fourth data for display on the display screen of the client device

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associated with the user, the fourth data including a backward link indicator that selects a previous program element of the linear program of image elements. *See* Ex. I-1, Figs. 1-38.

173.   When placed into operation by Defendant or its end users, Google Images infringes claim 3 of the '575 Patent. It performs the method of claim 2 further comprising: receiving, via the server of the World Wide Web, fifth data from the client device associated with the user indicating a selection by the user of the backward link indicator; determining, via the server of the World Wide Web, the previous program element of the linear program of image elements, based on the linear program of image elements and further based on the selected one of, the first image element, the second image element or the third image element; transmitting, via the server of the World Wide Web, sixth data for display on the display screen of the client device associated with the user, the sixth data including the previous program element of the linear program of image elements. *See* Ex. I-1, Figs. 1-38.

174.   When placed into operation by Defendant or its end users, Google Images infringes claim 4 of the '575 Patent. It performs the method of claim 1 further comprising: receiving, via the server of the World Wide Web, fourth data from the client device associated with the user indicating a selection by the user of the forward link indicator; determining, via the server of the World Wide Web, the next program element of the linear program of image elements, based on the linear program of image elements and further based on the selected one of, the first image element, the second image element or the third image element; transmitting, via the server of the World Wide Web, fifth data for display on the display screen of the client device associated with the user, the fifth data including the next program element of the linear program of image elements. *See* Ex. I-1, Figs. 1-38.

175.   When placed into operation by Defendant or its end users, Google Images infringes claim 5 of the '575 Patent. It performs the method of claim 1 further comprising: receiving, via the server of the World Wide Web, fourth data from the client device associated with the user indicating a search query; and wherein the first image element, the second image element and the third image element, are selected based on the search query. *See* Ex. I-1, Figs. 1-38.

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176. When placed into operation by Defendant or its end users, Google Images infringes claim 6 of the '575 Patent. It performs the method of claim 1 further comprising: receiving, via the server of the World Wide Web, fourth data from the client device associated with the user indicating a sequential selection by the user of the forward link indicator; and sequentially navigating, via the server of the World Wide Web, the linear program of image elements in a forward order in response to the fourth data. *See* Ex. I-1, Figs. 1-38.

177. When placed into operation by Defendant or its end users, Google Images infringes claim 7 of the '575 Patent. It performs the method of claim 6 wherein sequentially navigating the linear program of image elements in the forward order includes sequentially transmitting, for display on the display screen of the client device associated with the user, fifth data successive ones of the linear program of image elements in the forward order. *See* Ex. I-1, Figs. 1-38.

178. When placed into operation by Defendant or its end users, Google Images infringes claim 8 of the '575 Patent. It performs the method of claim 1 further comprising: transmitting, via the server of the World Wide Web, fourth data for display on the display screen of the client device associated with the user, the fourth data including a backward link indicator that selects a previous program element of the linear program of image elements; receiving, fifth data from the client device associated with the user indicating a sequential selection by the user of the backward link indicator; and sequentially navigating the linear program of image elements in a backward order in response to the fifth data. *See* Ex. I-1, Figs. 1-38.

179. When placed into operation by Defendant or its end users, Google Images infringes claim 9 of the '575 Patent. It performs the method of claim 8 wherein sequentially navigating the linear program of image elements in the backward order includes sequentially transmitting, for display on the display screen of the client device associated with the user, fifth data successive ones of the linear program of image elements in the backward order. *See* Ex. I-1, Figs. 1-38.

180. When placed into operation by Defendant or its end users, Google Images infringes claim 11 of the '575 Patent. It performs a method of presenting a linear program of image elements,

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the method comprising: associating, via a server of a World Wide Web including a memory and a processor, a first image element, a second image element and a third image element in a linearly linked fashion to produce the linear program of image elements; transmitting, via the server of the World Wide Web, first data for display on a display screen of a client device associated with a user, the first data including a plurality of indicators, each of the plurality of indicators representing a corresponding one of the first image element, the second image element and the third image element, wherein each of the plurality of indicators includes at least one of: text, an icon, the first image element, the second image element or the third image element; receiving, via the server of the World Wide Web, second data from the client device associated with the user indicating a selection by the user of one of the plurality of indicators representing a selected one of, the first image element, the second image element or the third image element; and transmitting, via the server of the World Wide Web, third data for display on the display screen of the client device associated with the user, the third data including a forward link indicator that facilitates automatic selection of a next program element of the linear program of image elements; and wherein the first image element, the second image element and the third image element are stored on the server of the World Wide Web and wherein the selected one of, the first image element, the second image element or the third image element is transmitted, via the server of the World Wide Web, to the client device associated with the user. *See* Ex. I-1, Figs. 1-38.

181.   When placed into operation by Defendant or its end users, Google Images infringes claim 12 of the '575 Patent. It performs the method of claim 11 further comprising: transmitting, via the server of the World Wide Web, fourth data for display on the display screen of the client device associated with the user, the fourth data including a backward link indicator that selects a previous program element of the linear program of image elements. *See* Ex. I-1, Figs. 1-38.

182.   When placed into operation by Defendant or its end users, Google Images infringes claim 13 of the '575 Patent. It performs the method of claim 12 further comprising: receiving, via the server of the World Wide Web, fifth data from the client device associated with the user indicating

a selection by the user of the backward link indicator; determining, via the server of the World Wide Web, the previous program element of the linear program of image elements, based on the linear program of image elements and further based on the selected one of, the first image element, the second image element or the third image element; transmitting, via the server of the World Wide Web, sixth data for display on the display screen of the client device associated with the user, the sixth data including the previous program element of the linear program of image elements. *See* Ex. I-1, Figs. 1-38.

183.   When placed into operation by Defendant or its end users, Google Images infringes claim 14 of the '575 Patent. It performs the method of claim 11 further comprising: receiving, via the server of the World Wide Web, fourth data from the client device associated with the user indicating a selection by the user of the forward link indicator; determining, via the server of the World Wide Web, the next program element of the linear program of image elements, based on the linear program of image elements and further based on the selected one of, the first image element, the second image element or the third image element; transmitting, via the server of the World Wide Web, fifth data for display on the display screen of the client device associated with the user, the fifth data including the next program element of the linear program of image elements. *See* Ex. I-1, Figs. 1-38.

184.   When placed into operation by Defendant or its end users, Google Images infringes claim 15 of the '575 Patent. It performs the method of claim 11 further comprising: receiving, via the server of the World Wide Web, fourth data from the client device associated with the user indicating a search query; and wherein the first image element, the second image element and the third image element, are selected based on the search query. *See* Ex. I-1, Figs. 1-38.

185.   When placed into operation by Defendant or its end users, Google Images infringes claim 16 of the '575 Patent. It performs the method of claim 11 further comprising: receiving, via the server of the World Wide Web, fourth data from the client device associated with the user indicating a sequential selection by the user of the forward link indicator; and sequentially navigating,

via the server of the World Wide Web, the linear program of image elements in a forward order in response to the fourth data. *See* Ex. I-1, Figs. 1-38.

186.   When placed into operation by Defendant or its end users, Google Images infringes claim 17 of the '575 Patent. It performs the method of claim 16 wherein sequentially navigating the linear program of image elements in the forward order includes sequentially transmitting, for display on the display screen of the client device associated with the user, fifth data successive ones of the linear program of image elements in the forward order. *See* Ex. I-1, Figs. 1-38.

187.   When placed into operation by Defendant or its end users, Google Images infringes claim 18 of the '575 Patent. It performs the method of claim 11 further comprising: transmitting, via the server of the World Wide Web, fourth data for display on the display screen of the client device associated with the user, the fourth data including a backward link indicator that selects a previous program element of the linear program of image elements; receiving, fifth data from the client device associated with the user indicating a sequential selection by the user of the backward link indicator; and sequentially navigating the linear program of image elements in a backward order in response to the fifth data. *See* Ex. I-1, Figs. 1-38.

188.   When placed into operation by Defendant or its end users, Google Images infringes claim 19 of the '575 Patent. It performs the method of claim 18 wherein sequentially navigating the linear program of image elements in the backward order includes sequentially transmitting, for display on the display screen of the client device associated with the user, fifth data successive ones of the linear program of image elements in the backward order. *See* Ex. I-1, Figs. 1-38.

189.   When placed into operation by Defendant or its end users, Google Images infringes claim 20 of the '575 Patent. It performs a method of presenting a linear program of image elements, the method comprising: receiving, via a server of a World Wide Web including a processor and a memory fourth data from a client device associated with a user indicating a search query; selecting, via the server of the World Wide Web and responsive to the search query, a plurality of image elements including a first image element a second image element and a third image element;

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associating, via the server of the World Wide Web, the plurality of image elements in a linearly linked fashion to produce the linear program of image elements; transmitting, via the server of the World Wide Web, first data for display in a map area of a display screen of the client device associated with the user, the first data including a plurality of indicators, each of the plurality of indicators representing a corresponding one of the first image element, the second image element and the third image element; transmitting via the server of the World Wide Web and for display on the display screen of the client device associated with the user, second data including a forward link indicator that facilitates automatic selection a next program element of the linear program of image elements; and receiving, via the server of the World Wide Web, third data from the client device associated with the user indicating a selection by the user of one of the plurality of indicators representing a selected one of, the first image element, the second image element or the third image element; wherein the plurality of image elements are stored on the server of the World Wide Web and wherein the selected one of, the first image element, the second image element or the third image element is transmitted, via the server of the World Wide Web, to the client device associated with the user. *See* Ex. I-1, Figs. 1-38.

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190.   As a result of Defendant's infringement of the '575 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

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COUNT X
INFRINGEMENT OF U.S. PATENT NO. 6,779,026

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191.   Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, the Google App) that infringes the claims of the '026 Patent.

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192.   Upon information and belief, Defendant has been and is now infringing claims 7 and 10 of the '026 Patent in the State of California, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing,

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providing, selling and/or offering for Google Images, covered by one or more claims of the '026 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '026 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '026 Patent pursuant to 35 U.S.C. § 271(a).

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193.   When placed into operation by Defendant or its end users, the Google App infringes claim 7 of the '026 Patent. It performs a method of creating a linear Web tour comprising a linear linked-sequence of program elements on the World-Wide Web, the World-Wide Web including a plurality of websites at respective remote information nodes, each website having a plurality of individual media elements, the method comprising: selecting a first base media element corresponding to a Web page of a first website; selecting a second base media element corresponding to a Web page of a second website; and creating an exclusive forward link from the first base media element to the second base media element, wherein the linear linked-sequence of program elements includes the first base media element and the second base media element. *See* Ex. J-1, Figs. 1-5.

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194.   When placed into operation by Defendant or its end users, the Google App infringes claim 10 of the '026 Patent. It performs a method of claim 7 further comprising: assigning the first base media element to a first program element of the linear linked-sequence of program elements. *See* Ex. J-1, Figs. 1-5.

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195.   As a result of Defendant's infringement of the '672 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

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COUNT XI
INFRINGEMENT OF U.S. PATENT NO. 9,990,174

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196.   Defendant directly or through its intermediaries, makes, uses, imports, sells, and/or offers for sale products and/or systems (*i.e.*, YouTube) that infringes the claims of the '174 Patent.

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197.   Upon information and belief, Defendant has been and is now infringing claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of the '174 Patent in the State of

California, in this Judicial District, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, selling and/or offering for Google Images, covered by one or more claims of the '174 Patent to the injury of Hypermedia. Defendant is directly infringing, literally infringing, and/or infringing the '174 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '174 Patent pursuant to 35 U.S.C. § 271(a).

198.   When placed into operation by Defendant or its end users, YouTube infringes claim 1 of the '174 Patent. It performs a method of presenting a linear program of video elements, the method comprising: receiving, via a server of a World Wide Web including a processor and a memory, search data indicating search criteria associated with video content; wherein the server of the World Wide Web responds to the search criteria by: selecting, via the server of the World Wide Web, a first video element; selecting, via the server of the World Wide Web, a second video element; selecting, via the server of the World Wide Web, a third video element; associating, via the server of the World Wide Web, the first video element, the second video element and the third video element along with other video elements in a linearly linked fashion to produce the linear program of video elements; transmitting, via the server of the World Wide Web, first data for display in a map area of a display screen of a client device associated with a user, the first data including a plurality of indicators, each of the plurality of indicators representing a corresponding one of the first video element, the second video element and the third video element; and transmitting via the server of the World Wide Web and for display on the display screen of the client device associated with the user, second data including a forward link indicator; receiving, via the server of the World Wide Web, third data from the client device associated with the user indicating a selection of the forward link indicator; updating, via the server of the World Wide Web, the first data to form updated first data for display in the map area in response to selection of the forward link indicator; and receiving, via the server of the World Wide Web, fourth data from the client device associated with the user indicating a selection by the user of one of the plurality of indicators representing a selected one of, the first video element, the

second video element or the third video element; wherein the first video element, the second video element and the third video element are stored on the server of the World Wide Web and wherein the selected one of, the first video element, the second video element or the third video element is transmitted, via the server of the World Wide Web, to the client device associated with the user. *See* Ex. K-1, Figs. 1-22.

199.   When placed into operation by Defendant or its end users, YouTube infringes claim 2 of the '174 Patent. It performs the method of claim 1 further comprising: transmitting, via the server of the World Wide Web, fifth data for display on the display screen of the client device associated with the user, the fifth data including a backward link indicator that selects a previous program element of the linear program of video elements. *See* Ex. K-1, Figs. 1-22.

200.   When placed into operation by Defendant or its end users, YouTube infringes claim 3 of the '174 Patent. It performs the method of claim 2 further comprising: receiving, via the server of the World Wide Web, sixth data from the client device associated with the user indicating a selection of the backward link indicator; and updating, via the server of the World Wide Web, the first data for display in the map area in response to selection of the backward link indicator. *See* Ex. K-1, Figs. 1-22.

201.   When placed into operation by Defendant or its end users, YouTube infringes claim 4 of the '174 Patent. It performs the method of claim 1 further comprising: determining, via the server of the World Wide Web and in response to the third data, a next program element of the linear program of video elements, based on the linear program of video elements and further based on the selected one of, the first video element, the second video element or the third video element; transmitting, via the server of the World Wide Web, fifth data for display on the display screen of the client device associated with the user, the fifth data including the next program element of the linear program of video elements. *See* Ex. K-1, Figs. 1-22.

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202.   When placed into operation by Defendant or its end users, YouTube infringes claim 5 of the '174 Patent. It performs the method of claim 1 wherein the search criteria designates a file information content. *See* Ex. K-1, Figs. 1-22.

203.   When placed into operation by Defendant or its end users, YouTube infringes claim 6 of the '174 Patent. It performs the method of claim 1 further comprising: receiving, via the server of the World Wide Web, fifth data from the client device associated with the user indicating a sequential selection by the user of the forward link indicator; and repeatedly navigating, via the server of the World Wide Web, the linear program of video elements in a forward order in response to the fifth data. *See* Ex. K-1, Figs. 1-22.

204.   When placed into operation by Defendant or its end users, YouTube infringes claim 7 of the '174 Patent. It performs the method of claim 6 wherein repeatedly navigating the linear program of video elements in the forward order includes sequentially transmitting, for display on the display screen of the client device associated with the user, sixth data indicating additional ones of the linear program of video elements in the forward order. *See* Ex. K-1, Figs. 1-22.

205.   When placed into operation by Defendant or its end users, YouTube infringes claim 8 of the '174 Patent. It performs the method of claim 1 further comprising: receiving, fifth data from the client device associated with the user indicating a sequential selection by the user of a backward link indicator; and repeatedly navigating the linear program of video elements in a backward order in response to the fifth data. *See* Ex. K-1, Figs. 1-22.

206.   When placed into operation by Defendant or its end users, YouTube infringes claim 9 of the '174 Patent. It performs the method of claim 8 wherein repeatedly navigating the linear program of video elements in the backward order includes sequentially transmitting, for display on the display screen of the client device associated with the user, fifth data successive ones of the linear program of video elements in the backward order. *See* Ex. K-1, Figs. 1-22.

207.   When placed into operation by Defendant or its end users, YouTube infringes claim 10 of the '174 Patent. It performs the method of claim 1 wherein the updated first data for display in

the map area of the display screen of the client device associated with the user includes an updated plurality of indicators, wherein at least one of the updated plurality of indicators represents one of the other video elements. *See* Ex. K-1, Figs. 1-22.

208.   When placed into operation by Defendant or its end users, YouTube infringes claim 11 of the '174 Patent. It performs a method of presenting a linear program of video elements, the method comprising: receiving, via a server of a World Wide Web including a processor and a memory, search data indicating search criteria associated with video content; wherein the server of the World Wide Web responds to the search criteria by: selecting, via the server of the World Wide Web, a first video element; selecting, via the server of the World Wide Web, a second video element; selecting, via the server of the World Wide Web, a third video element; associating, via the server of the World Wide Web, the first video element, the second video element and the third video element along with other video elements in a linearly linked fashion to produce the linear program of video elements; transmitting, via the server of the World Wide Web, first data for display in a map area of a display screen of a client device associated with a user, the first data including a plurality of indicators, each of the plurality of indicators representing a corresponding one of the first video element, the second video element and the third video element; and transmitting via the server of the World Wide Web and for display on the display screen of the client device associated with the user, second data including a forward link indicator; receiving, via the server of the World Wide Web, third data from the client device associated with the user indicating a selection of the forward link indicator; updating, via the server of the World Wide Web, the first data to form updated first data for display in the map area in response to selection of the forward link indicator, wherein the updated first data for display in the map area of the display screen of the client device associated with the user includes an updated plurality of indicators, wherein at least one of the updated plurality of indicators represents one of the other video elements; and receiving, via the server of the World Wide Web, fourth data from the client device associated with the user indicating a selection by the user of one of the plurality of indicators representing a selected one of, the first video element, the second video

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element or the third video element; wherein the first video element, the second video element and the third video element are stored on the server of the World Wide Web and wherein the selected one of, the first video element, the second video element or the third video element is transmitted, via the server of the World Wide Web, to the client device associated with the user. *See* Ex. K-1, Figs. 1-22.

209.   When placed into operation by Defendant or its end users, YouTube infringes claim 12 of the '174 Patent. It performs the method of claim 11 further comprising: transmitting, via the server of the World Wide Web, fifth data for display on the display screen of the client device associated with the user, the fifth data including a backward link indicator that selects a previous program element of the linear program of video elements. *See* Ex. K-1, Figs. 1-22.

210.   When placed into operation by Defendant or its end users, YouTube infringes claim 13 of the '174 Patent. It performs the method of claim 12 further comprising: receiving, via the server of the World Wide Web, sixth data from the client device associated with the user indicating a selection of the backward link indicator; and updating, via the server of the World Wide Web, the first data for display in the map area in response to selection of the backward link indicator. *See* Ex. K-1, Figs. 1-22.

211.   When placed into operation by Defendant or its end users, YouTube infringes claim 14 of the '174 Patent. It performs the method of claim 11 further comprising: determining, via the server of the World Wide Web and in response to the third data, a next program element of the linear program of video elements, based on the linear program of video elements and further based on the selected one of, the first video element, the second video element or the third video element; transmitting, via the server of the World Wide Web, fifth data for display on the display screen of the client device associated with the user, the fifth data including the next program element of the linear program of video elements. *See* Ex. K-1, Figs. 1-22.

212.   When placed into operation by Defendant or its end users, YouTube infringes claim 15 of the '174 Patent. It performs the method of claim 11 wherein the search criteria designates a file information content. *See* Ex. K-1, Figs. 1-22.

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213.   When placed into operation by Defendant or its end users, YouTube infringes claim 16 of the '174 Patent. It performs the method of claim 11 further comprising: receiving, via the server of the World Wide Web, fifth data from the client device associated with the user indicating a sequential selection by the user of the forward link indicator; and repeatedly navigating, via the server of the World Wide Web, the linear program of video elements in a forward order in response to the fifth data. *See* Ex. K-1, Figs. 1-22.

214.   When placed into operation by Defendant or its end users, YouTube infringes claim 17 of the '174 Patent. It performs the method of claim 16 wherein repeatedly navigating the linear program of video elements in the forward order includes sequentially transmitting, for display on the display screen of the client device associated with the user, sixth data indicating additional ones of the linear program of video elements in the forward order. *See* Ex. K-1, Figs. 1-22.

215.   When placed into operation by Defendant or its end users, YouTube infringes claim 18 of the '174 Patent. It performs the method of claim 11 further comprising: receiving, fifth data from the client device associated with the user indicating a sequential selection by the user of a backward link indicator; and repeatedly navigating the linear program of video elements in a backward order in response to the fifth data. *See* Ex. K-1, Figs. 1-22.

216.   When placed into operation by Defendant or its end users, YouTube infringes claim 19 of the '174 Patent. It performs the method of claim 18 wherein repeatedly navigating the linear program of video elements in the backward order includes sequentially transmitting, for display on the display screen of the client device associated with the user, fifth data successive ones of the linear program of video elements in the backward order. *See* Ex. K-1, Figs. 1-22.

217.   When placed into operation by Defendant or its end users, YouTube infringes claim 20 of the '174 Patent. It performs a method of presenting a linear program of video elements, the method comprising: receiving, via a server of a World Wide Web including a processor and a memory, search data indicating search criteria associated with video content; wherein the server of the World Wide Web responds to the search criteria by: selecting, via the server of the World Wide

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Web, a first video element; selecting, via the server of the World Wide Web, a second video element; selecting, via the server of the World Wide Web, a third video element; associating, via the server of the World Wide Web, the first video element, the second video element and the third video element along with other video elements in a linearly linked fashion to produce the linear program of video elements; and transmitting, via the server of the World Wide Web, first data for display in a map area of a display screen of a client device associated with a user, the first data including a plurality of indicators, each of the plurality of indicators representing a corresponding one of the first video element, the second video element and the third video element; updating, via the server of the World Wide Web, the first data to form updated first data for display in the map area, wherein the updated first data for display in the map area of the display screen of the client device associated with the user includes an updated plurality of indicators, wherein at least one of the updated plurality of indicators represents one of the other video elements; and receiving, via the server of the World Wide Web, fourth data from the client device associated with the user indicating a selection by the user of one of the plurality of indicators representing a selected one of, the first video element, the second video element or the third video element; wherein the first video element, the second video element and the third video element are stored on the server of the World Wide Web and wherein the selected one of, the first video element, the second video element or the third video element is transmitted, via the server of the World Wide Web, to the client device associated with the user. *See* Ex. K-1, Figs. 1-22.

218.   As a result of Defendant's infringement of the '174 Patent, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT XII
INDUCED INFRINGEMENT

219.   Upon information and belief, Defendant has been and is now inducing the infringement by its end users of the claims 1, 5, 8, 10, 11, 14, and 17 of the '323 Patent; claims 1, 2, 10, and 11 of the '324 Patent; claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 of the '523 Patent; claims 1,

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2, 3, 4, 7, 9, 10, 11, 12, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 41, 44, 48, and 49 of the '144 Patent; claims 1, 4, 7, 8, 9, 12, 13, 15, 18, 19, 20, 21, 24, and 25 of the '830 Patent; claims 1, 2, 5, 6, 12, 13, 15, 16, 17, 18, 21, 22, 23, 24, and 25 of the '173 Patent; claim 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, and 24 of the '672 Patent; claims 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 20 of the '814 Patent; claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of the '575 Patent; claims 7 and 10 of the '026 Patent; and claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of the '174 Patent (collectively, the "Inducement Claims") in the State of California, in this Judicial District, and elsewhere in the United States by, among other things, making, using, selling, and/or offering for sale the Accused Instrumentalities to the injury of Plaintiff. Defendant's end users are directly infringing, literally infringing, and/or infringing the Inducement Claims under the doctrine of equivalents. Defendant is thus liable for infringement of the Inducement Claims pursuant to 35 U.S.C. § 271(b).

220.   As shown above, Defendant have and continues to directly infringe the Inducement Claims by its end users in accordance with 35 U.S.C. § 271(b).

221.   As shown above, Defendant and its end users have engaged in and currently engage in activities that constitute direct infringement of the Inducement Claims.

222.   As shown above, the operation and use by Defendant or its end users of the Accused Instrumentalities constitutes direct infringement of the Inducement Claims.

223.   Defendant's affirmative act of selling and/or offering for sale the Accused Instrumentalities and providing instruction, advertisement of the infringing features, and support for the Accused Instrumentalities have induced and continues to induce Defendant's end users to use the Accused Instrumentalities in its normal and customary way to infringe the Inducement Claims.

224.   Through its making, selling, and/or offering for sale the Accused Instrumentalities, Defendant specifically intends that its resellers and end-users directly infringe the Inducement Claims. Defendant has had knowledge of the Hypermedia Patents since August 10, 2017, and actually induces others, such end-use customers, to directly infringe by using, selling, supplying, and

or distributing the Accused Instrumentality within the United States. Defendant is aware since at least August 10, 2017, that such actions would induce actual infringement. Furthermore, Defendant remains aware that these normal and customary activities would infringe the Inducement Claims.

225.   For example, in connection with the sale and/or offering for sale of the Accused Instrumentality, Defendant provides instructions and support to resellers and end-use customers regarding the user and operation of the Accused Instrumentalities. Specifically, Defendant provides advertisements and support, *see*, *e.g.*, https://support.google.com/?hl=en0. When end-users follow such instructions and support, they directly infringe the Inducement Claims. Defendant knows or should have known that by providing such instructs and support, resellers and end-use customers follow these instructions and support and directly infringe the Inducement Claims.

226.   Accordingly, Defendant has performed and continues to perform acts that constitute indirect infringement, and would induce actual infringement, with the knowledge of the Inducement Claims and with the knowledge or willful blindness to the fact that the induced acts would constitute infringement.

COUNT XIII
WILLFUL INFRINGEMENT

227.   Defendant has willfully infringed the Presented Patents, in connection with the Accused Instrumentalities.

228.   Defendant's conduct in making, using, selling, offering to sell and/or importing the Accused Instrumentalities directly infringes multiple claims of the Presented Patents pursuant to 35 U.S.C. § 271(a).

229.   Defendant had knowledge of the Presented Patents and of the fact that the Accused Instrumentalities were made or adapted for use in infringement of the Presented Patents.

230.   Defendant had knowledge of the Presented Patents prior to this lawsuit. Defendant failed to provide any material, description, reasoning, or evidence of non-infringement or invalidity of the Presented Patents. Defendant continued using the Accused Instrumentalities regardless of its knowledge of infringement. Accordingly, Defendant's infringement is and has been willful, wanton,

malicious, bad-faith, deliberate, consciously wrongful, and fragrant. Thus, Hypermedia sues for willful infringement of the Presented Patents.

231.   As a result of Defendant's willful infringement of the Presented Patents, Hypermedia has suffered monetary damages and is entitled to a money judgment in an amount three times the compensatory damages, in accordance with 35 U.S.C. § 284.

PRAYER FOR RELIEF

Hypermedia requests that the Court find in their favor and against Defendant, and that the Court grant Hypermedia the following relief:

a.   Judgment that one or more claims of the Asserted Patents have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;

b.   Judgment that Defendant has willful infringed the Presented Patents;

c.   Judgment that Defendant accounts for and pay to Hypermedia all damages and costs incurred by Hypermedia, caused by Defendant's infringing activities and other conduct complained of herein;

d.   That Hypermedia be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;

e.   That this Court declare this an exceptional case and award Hypermedia reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and

f.   That Hypermedia be granted such other and further relief as the Court may deem just and proper under the circumstances.

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DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury or any issues so triable by right.

Dated: October 5, 2018

FEINBERG DAY ALBERTI LIM & BELLOLI LLP

By: /s/ *M. Elizabeth Day*
      M. Elizabeth Day

Attorneys for Plaintiff
Hypermedia Navigation LLC

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